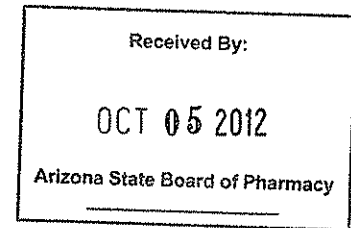


1 THOMAS C. HORNE  
2 Attorney General  
(Firm State Bar No. 14000)

3 MONTGOMERY LEE  
4 Assistant Attorney General  
State Bar No. 005658  
1275 W. Washington, CIV/LES  
5 Phoenix, Arizona 85007-2997  
Tel: (602) 542-7980  
6 Fax: (602) 364-3202

7 Attorneys for the Arizona State Board of Pharmacy



8  
9 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

10  
11 In the Matter of

12 **Donald Ganster,**

13 Holder of License No. T017909  
14 As a Pharmacy Technician  
In the State of Arizona

Board Case No. 13-0001-PHR

**CONSENT AGREEMENT  
AND ORDER FOR REVOCATION  
OF LICENSE**

15  
16 In the interest of a prompt and judicious settlement of this case, consistent with the  
17 public interest, statutory requirements and the responsibilities of the Arizona State Board  
18 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Donald Ganster  
19 ("Respondent"), holder of Pharmacy Technician License Number T017909 in the State of  
20 Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions  
21 of Law and Order ("Consent Agreement") as a final disposition of this matter.

22 **RECITALS**

23 1. Respondent has read and understands this Consent Agreement and has had  
24 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
25 opportunity to discuss this Consent Agreement with an attorney.  
26

1           2.     Respondent understands that he has a right to a public administrative  
2 hearing concerning this matter at which hearing he could present evidence and cross  
3 examine witnesses. By entering into this Consent Agreement, Respondent knowingly  
4 and voluntarily relinquishes all right to such an administrative hearing, as well as rights  
5 of rehearing, review, reconsideration, appeal, judicial review or any other administrative  
6 and/or judicial action, concerning the matters set forth herein.

7           3.     Respondent affirmatively agrees that this Consent Agreement shall be  
8 irrevocable.

9           4.     Respondent understands that this Consent Agreement or any part of the  
10 agreement may be considered in any future disciplinary action by the Board against him.

11          5.     Respondent understands this Consent Agreement deals with Board  
12 complaint number 4146 involving allegations of unprofessional conduct against  
13 Respondent. The investigation into these allegations against Respondent shall be  
14 concluded upon the Board's adoption of this Consent Agreement.

15          6.     Respondent understands that this Consent Agreement does not constitute a  
16 dismissal or resolution of any other matters currently pending before the Board, if any,  
17 and does not constitute any waiver, express or implied, of the Board's statutory authority  
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19          7.     Respondent also understands that acceptance of this Consent Agreement  
20 does not preclude any other agency, subdivision, or officer of this State from instituting  
21 any other civil or criminal proceedings with respect to the conduct that is the subject of  
22 this Consent Agreement.

23          8.     Respondent acknowledges and agrees that, upon signing this Consent  
24 Agreement and returning this document to the Board's Executive Director, he may not  
25 revoke his acceptance of the Consent Agreement or make any modifications to the  
26

1 document regardless of whether the Consent Agreement has been signed by the  
2 Executive Director. Any modification to this original document is ineffective and void  
3 unless mutually agreed by the parties in writing.

4 9. This Consent Agreement is subject to the approval of the Board and is  
5 effective only when accepted by the Board and signed by the Executive Director. In the  
6 event that the Board does not approve this Consent Agreement, it is withdrawn and shall  
7 be of no evidentiary value and shall not be relied upon nor introduced in any action by  
8 any party, except that the parties agree that should the Board reject this Consent  
9 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the  
10 Board was prejudiced by its review and discussion of this document or any records  
11 relating thereto.

12 10. If a court of competent jurisdiction rules that any part of this Consent  
13 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement  
14 shall remain in full force and effect.

15 11. Respondent understands that this Consent Agreement is a public record that  
16 may be publicly disseminated as a formal action of the Board and may be reported as  
17 required by law to the National Practitioner Data Bank and the Healthcare Integrity and  
18 Protection Data Bank.

19 12. Respondent understands that any violation of this Consent Agreement  
20 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-  
21 1901.01(C) (16), -1927.01(A) (1).

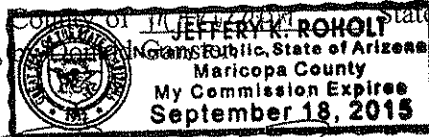
22 13. Respondent agrees that the Board will adopt the following Findings of Fact,  
23 Conclusions of Law and Order.  
24  
25  
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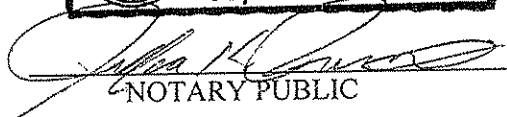
1 ACCEPTED AND AGREED BY RESPONDENT

2   
3 Donald Ganster

Dated: 10-3-12

4 Subscribed and sworn to before me in the County of Maricopa State of ARIZONA  
5 this 3 day of October, 2012,



7   
NOTARY PUBLIC

8 My Commission expires: Sept 18, 2015

10 **FINDINGS OF FACT**

11 1. The Board is the duly constituted authority for licensing and regulating the  
12 practice of pharmacy in the State of Arizona.

13 2. Respondent is the holder of license number T017909 to practice as a  
14 pharmacy technician in the State of Arizona.

15 3. During all relevant times to these findings, Respondent worked as a  
16 pharmacy technician at Fry's Pharmacy #5 located at 7770 East McDowell Road,  
17 Scottsdale, Arizona (the "Pharmacy").

18 4. On or about August 15, 2012 during an investigation of theft of controlled  
19 substances at the Pharmacy Respondent was interviewed and admitted that he took 10  
20 tablets of Hydrocodone/APAP 5/500 mg. from the Pharmacy stock shelves without a  
21 valid prescription and without paying for the medication.

22 5. Respondent was terminated from his employment with the Pharmacy for  
23 violation of company policy stemming from his theft of the drugs.

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1 DATED this 15<sup>th</sup> day of November, 2012.

3 ARIZONA STATE BOARD OF PHARMACY

4 (Seal)

5 By: 

6 HAL WAND, R.Ph.  
Executive Director

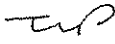
9 ORIGINAL OF THE FORGOING FILED  
10 this 15 day of November, 2012, with:

11 Arizona State Board of Pharmacy  
1616 W. Adams Street  
12 Phoenix, Arizona 85007

13 EXECUTED COPY OF THE FOREGOING MAILED  
BY CERTIFIED MAIL  
14 this 15 day of November, 2012, to:

15 Donald Ganster  
4751 S. Mill Ave.  
16 Tempe, Arizona 85282  
Respondent

17 EXECUTED COPY OF THE FOREGOING MAILED  
18 this 15 day of November, 2012, to:

19 Montgomery Lee  
Assistant Attorney General  
20 1275 W. Washington Street, CIV/LES  
Phoenix, Arizona 85007  
21 Attorney for the Board  


22 \_\_\_\_\_  
Doc # 2877022